

REMARKS

This Amendment addresses the issues outstanding from the final Office Action dated April 15, 2009. Favorable reconsideration of this application, as amended, is respectfully requested.

Claims 1 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Le Scolan, Claims 4 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Keating, Claims 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Holden in view of Le Scolan, Claim 3, 7, 9, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Scolan in view of Holden, Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keating in view of Mauritz, and Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keating in view of Yun.

By this Amendment, independent Claims 1, 2, and 3 have been amended, without acceding to their respective rejections, to recite certain distinctive features of Applicant's invention with greater particularity. Independent Claim 4 has been amended solely for clarity. Dependent Claims 6-13 have been amended for consistency based on the changes made to respective independent claims. Claims 14-20 have been added. Accordingly, Claims 1-20 are pending, with Claims 1-4 being independent.

As now set forth in independent Claim 1, for example, a system for transmitting a first clock signal through a packet-based network comprises a first node to take a plurality of clock frequency measurements of the first clock signal and to calculate corresponding accuracy indicators of the clock frequency measurements, each accuracy indicator being a time duration of measurement, and wherein the clock frequency measurements are of increasing accuracy with respect to the first clock signal in a first phase of operation. The system further includes a second node to receive the clock frequency measurements and corresponding accuracy indicators and to synthesize respective second clock signals based on the clock frequency measurements and corresponding accuracy indicators, and a packet-based network to transmit the clock frequency measurements and corresponding accuracy indicators from the first node to the second node. Claim 1 also now recites that in the first phase of operation, the synthesis of the second clock signals involves incremental convergence of the second clock signals toward the first clock signal based on the received clock frequency measurements of increasing accuracy.

It is apparent that Le Scolan and Holden, individually or collectively, fail to teach or suggest all of the features of Claim 1 as presently recited therein. The Keating, Mauritz, and Yun references used to reject various

dependent claims are not seen to teach or suggest the foregoing features of Claim 1.

Independent Claims 2 and 3 each have been amended in a manner generally analogous to Claim 1 and are therefore allowable at least for reasons similar to Claim 1.

Accordingly, Claims 1-3 and their respective dependents distinguish patentably from the applied references and are allowable.

Turning to the rejection of independent Claim 4, which has been amended for clarity as noted above, Applicant respectfully traverses.

The relied-upon portions of Keating (i.e., column 4, lines 61-68 through column 5, line 4), generally, disclose receiving a predetermined number of timing packets, reading each of the timing packets for a loopback measurement delay, and storing the lowest of the loopback measurement delays. However, in contrast to Applicant's claimed invention, the relied-upon portions of Keating fail to teach or suggest identifying, from a first plurality of received packets, a first predetermined number of packets (greater than one) that have the first predetermined number of shortest total transmission times of the total transmission times of the plurality of received packets. Keating has no predetermined number of lowest loopback delay values that are identified and stored.

Furthermore, Keating fails to teach or suggest Applicant's claimed deriving the frequency of the transmitting clock by use of the identified first predetermined number of packets having the first predetermined number of shortest total transmission times, as recited in Claim 4, because Keating apparently uses only one loopback delay value - the lowest - to designate as twice the fixed or "nonblocked" Ethernet path delay from the master timing element to the peripheral timing element.

Accordingly, Claim 4 distinguishes patentably from Keating. The Le Scolan, Holden, Mauritz, and Yun references are not seen to cure Keating's deficiencies in this regard. Claim 4 and its dependents are therefore allowable.

In view of the foregoing, this application is in condition for allowance.

A prompt Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (A-10047) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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August 17, 2009